



May 23, 2022

Honorable Analisa Torres  
United States District Judge  
Southern District of New York  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

Re: *Lynn Freedman v. Tracy Deebs-Elkenaney et. al.* 22 Civ 2435 (AT)

Dear Judge Torres:

We are lead trial counsel for Plaintiff Lynne Freeman in the above referenced action and are writing to you pursuant to Section II. B of your “Individual Practices in Civil Cases.”

### **JURISDICTION**

The original Complaint in this action alleges claims for (1) Fraud and Deceit against Defendant Prospect Agency, LLC (“Prospect”) and Emily Sylvan Kim (“Kim”), (2) Breach of Fiduciary Duty against Prospect and Kim, (3) Fraudulent Concealment against Prospect and Kim, (4) Breach of Contract against Prospect and Kim, (5) Copyright Infringement against Tracy Deebs-Elkenaney p/k/a Tracy Wolff (“Wolff”), Kim, Prospect, Entangled Publishing, LLC (“Entangled”) and Holtzbrinck Publishers, LLC d/b/a Macmillan, erroneously sued as Macmillan Publishers, LLC (“Macmillan”), (6) Contributory Copyright Infringement against Wolff, Kim, Prospect, Entangled and Macmillan; (7) Vicarious Copyright Infringement against Wolff, Kim, Prospect, Entangled and Macmillan and (8) Declaratory Relief against Universal City Studios, LLC (“Universal”), Wolff and Entangled.

Plaintiff filed a First Amended Complaint today which, among other things, added as a defendant to the three (3) copyright infringement claims, Crazy Maple Studio, Inc. Plaintiff did not discover the defendant’s name and involvement in the matter until Thursday, May 19, 2022.

This action arises under the U.S. Copyright Act, 17 U.S.C. §101, *et seq.* The Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) and supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. §1367. The Court also has jurisdiction over this action pursuant to 28 U.S.C. §1332(a) in that there is complete diversity of citizenship between the parties and the amount in controversy, exclusive of interest

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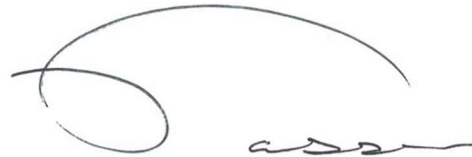
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and costs, exceeds the sum of \$75,000.

The alternative diversity jurisdiction is based on the following: Plaintiff is a resident and citizen of the State of Alaska. Plaintiff is informed and believes that Wolff is a citizen of the State of Texas and Kim is a citizen of the state of New Jersey. Counsel for Defendant Prospect and counsel for Defendants Entangled, Holtzbrinck and Universal advised us that none of those defendants, all of which are limited liability corporations, have members in the state of Alaska. Plaintiff is informed and believes that Defendant Crazy Maple Studio, Inc.'s place of incorporation is California and its principal place of business in Sunnyvale, California. The amount in controversy is in excess of \$75,000.

If you have any questions, please feel free to contact us.

Respectfully Submitted,

A handwritten signature in blue ink, consisting of a large, sweeping loop followed by a series of smaller, connected strokes.

Mark D. Passin

*Attorneys for Plaintiff*

cc: Nancy Wolff, Esq.  
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